

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re BANK OF AMERICA CORP.
SECURITIES, DERIVATIVE, AND
EMPLOYEE RETIREMENT INCOME
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (PKC)

ECF CASE

This Document Relates To:

Consolidated Securities Action

**AFFIDAVIT OF JASON ZUENA REGARDING
(A) MAILING OF THE SETTLEMENT NOTICE AND
PROOF OF CLAIM FORM; (B) REPORT ON OPT-INS
RECEIVED; AND (C) REPORT ON LATE EXCLUSIONS RECEIVED**

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

JASON ZUENA, being duly sworn, deposes and says:

1. I am a Senior Director of Operations for The Garden City Group, Inc. ("GCG"). Pursuant to the Court's March 1, 2012 Order Approving Notice and Summary Notice of Pendency of Class Action (ECF No. 531) (the "March 1, 2012 Order"), GCG was retained to act as the Notice Administrator in the above-captioned Action. Thereafter, pursuant to the Court's December 4, 2012 Order Preliminarily Approving Proposed Settlement and Providing for Notice (ECF No. 771) (the "Preliminary Approval Order"), GCG was authorized to act as the Claims Administrator in connection with the Settlement in the above-captioned Action.¹ I submit this

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated November 30, 2012 (the "Stipulation").

Affidavit as a supplement to the Affidavit of Stephen J. Cirami Regarding (A) Mailing of the Settlement Notice and Proof of Claim Form; (B) Publication of Summary Notice; and (C) Report on Opt-Ins Received to Date (the "Cirami Mailing Affidavit"), dated February 14, 2013 that was attached as Exhibit 7 to the Joint Declaration of Steven B. Singer, Frederic S. Fox, and David Kessler in Support of (A) Lead Plaintiffs' Motion for Final Approval of Class Action Settlement and Plan of Allocation and (B) Co-Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, filed with the Court on February 19, 2013 (ECF No. 829). I have personal knowledge of the facts stated herein.

2. Pursuant to the notice program described in the Cirami Mailing Affidavit, through February 14, 2013, GCG had mailed copies of the Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (the "Settlement Notice") and the Proof of Claim and Release Form (the "Proof of Claim Form") (collectively, the "Notice Packet") to 3,298,990 potential Class Members or their nominees. Since the execution of the Cirami Mailing Affidavit, GCG has received additional requests for Notice Packets. To date, GCG has mailed copies of the Notice Packet to 3,362,333 potential Class Members or their nominees. While the deadline set by the Court for the submission of Proof of Claim Forms is not until April 25, 2013, to date, GCG has received 236,208 Proof of Claim Forms.

3. As set forth in the Cirami Mailing Affidavit, GCG is maintaining a website (www.boasecuritieslitigation.com) dedicated to the Settlement. On February 20, 2013, GCG

posted copies of the papers filed in support of the motion for final approval of the Settlement and Co-Lead Counsel's fee and expense application to the website.²

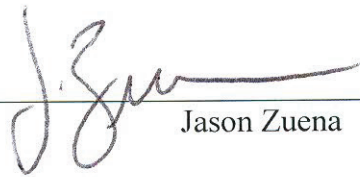
4. As set forth in the Cirami Mailing Affidavit, the Settlement Notice, which was posted on the settlement website the same day as the initial mailing of the Notice Packets, informed potential Class Members that if they had previously submitted a request for exclusion from the Class in connection with the Class Notice, that they may elect to opt-back into the Class by submitting a written request to opt-back into the Class, received no later than March 5, 2013, to *In re Bank of America Corp. Securities Litigation*, c/o The Garden City Group, Inc., P.O. Box 9876, Dublin, OH 43017-5776. GCG has been monitoring all mail delivered to that Post Office Box.

5. As previously reported, as of February 14, 2013, GCG had received six requests to opt-back into the Class. Since the execution of the Cirami Mailing Affidavit, GCG has received nine additional requests to opt-back into the Class. As a result, there are a total of 15 requests submitted by or on behalf of potential Class Members to opt-back into the Class. Attached hereto as Exhibit A is a list of the potential Class Members who submitted requests to opt-back into the Class or on whose behalf requests to opt-back into the Class were submitted.

6. Finally, as previously reported, as of February 14, 2013, GCG had received additional requests for exclusion from or on behalf of 12 persons and entities, despite the fact that, pursuant to the Court's Notice Order dated February 29, 2012 and as set forth in the Class Notice, written requests for exclusion from the Class were to be submitted to GCG with a postmark date on or before May 7, 2012. Since the execution of the Cirami Mailing Affidavit,

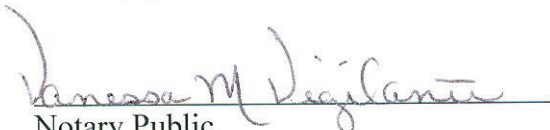
² GCG previously posted copies of the Stipulation, Preliminary Approval Order, Amended Consolidated Class Action Complaint, Settlement Notice, and Proof of Claim Form to the website.

GCG has received additional requests for exclusion from or on behalf of three additional persons and entities. As a result, there are a total of 15 persons and entities that have requested exclusion from the Class after the May 7, 2012 postmark deadline. GCG has been advised by Co-Lead Counsel that all 15 of these persons and entities have been mailed a letter explaining that their requests for exclusion from the Class were untimely and advising them of their right to file a Proof of Claim Form.



Jason Zuena

Sworn to before me this
29th day of March, 2013



Notary Public

VANESSA M. VIGILANTE
Notary Public, State of New York
No. 01VI6143817
Qualified in Queens County
My Commission Expires 4-17-2014

EXHIBIT A

EXHIBIT A

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| 1. Edward M. Block, Trustee
Edward M. Block Living Trust
Las Vegas, NV | 9. W. Curtis Graff & Nancy Kerr
Graff
Cape Coral, FL |
| 2. H. Paul Block, Successor Trustee
Bernice Block Living Trust
Las Vegas, NV | 10. Margaret J. Maxwell
Dallas, TX |
| 3. H. Paul Block, Trustee
H. Paul Block Living Trust
Las Vegas, NV | 11. Nancy Rothbaum
North Merrick, NY |
| 4. Bloody Forland LP
Palm City, FL | 12. Ruth Sharkey
Watchung, NJ |
| 5. Bartholomew Campanella &
Virginia Campanella
Paramus, NJ | 13. Thomas & Ruth Sharkey Family
Foundation
Cranford, NJ |
| 6. Ellen L. Del Mauro
Scotch Plains, NJ | 14. Theodore E. Tingley
Lewisburg, TN |
| 7. John R. Del Mauro
Scotch Plains, NJ | 15. Theodore E. Tingley &
Ellen E. Tingley
Lewisburg, TN |
| 8. Ann B. Houx Trust,
TR UA 07 NOV-88
Warrensburg, MO | |